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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/765,325	01/26/2004	John Harvey III	04860.P1637C2	9874

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EXAMINER

TRAN, VINCENT HUY

ART UNIT	PAPER NUMBER
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2115

MAIL DATE	DELIVERY MODE
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09/04/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

10/765,325

Applicant(s)

HARVEY ET AL.

Examiner

Vincent T. Tran

Art Unit

2115

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 12 April 2004.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 27-87 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 27, 29-38, 40-49, 51-60, 62-65, 67-72, 74-78, 80-84, 86 and 87 is/are rejected.
- 7) ☒ Claim(s) 28, 39, 50, 61, 66, 73, 79 and 85 is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 12 April 2004 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>1/26/04</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This Office Action is responsive to the communication filed on 4/12/04
2. Claims 27-87 are pending for examination.
3. The text of those sections of Title 35, U.S. code not included in this action can be found in a prior Office action.

Information Disclosure Statement

5. The information disclosure statement filed 1/26/04 fails to comply with the provisions of 37 CFR 1.97, 1.98 and MPEP § 609 . It has been placed in the application file, but the information referred to therein has not been considered as to the merits. Applicant is advised that the date of any re-submission of any item of information contained in this information disclosure statement or the submission of any missing element(s) will be the date of submission for purposes of determining compliance with the requirements based on the time of filing the statement, including all certification requirements for statements under 37 CFR 1.97(e). See MPEP § 609.05(a).

Double Patenting

6. Claims 1-87 are rejected on the ground of nonstatutory double patenting over claim 1 of U. S. Patent No. 6,701,428 since the claims, if allowed, would improperly extend the "right to exclude" already granted in the patent.

The subject matter claimed in the instant application is fully disclosed in the patent and is covered by the patent since the patent and the application are claiming common subject matter, as follows:

7. The limitations for claims 1-59 , of current application: establish a set of localization service required for a locales; associating with each of localization services an attribute for identifying characteristic the corresponding localization service without specifying a locale are taught by claims 1-10 of U.S. Patent No. 6,701,428.
8. The limitation for claims 60-69, of current application: loading the locale by retrieving, using said attribute, said set of localization service without reference to language of any locales associated with the attribute are taught by claims 11-26 of U.S. Patent No. 6,701,428.
9. The limitation for claims 70-87, of current application: searching a set of localization services with a third attribute and reference to more than one locale taken form the set of locales are taught by claims 27-34 of U.S. Patent No. 6,701,428

Furthermore, there is no apparent reason why applicant was prevented from presenting claims corresponding to those of the instant application during prosecution of the application which matured into a patent. See *In re Schneller*, 397 F.2d 350, 158 USPQ 210 (CCPA 1968). See also MPEP § 804.

Claim Rejections - 35 USC § 103

10. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person

having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

11. The text of those sections of Title 35, U.S. Code not included in this action can be found in a prior Office action.

12. Claims 27, 29-38, 40-49, 51-60, 62-65, 67-72, 74-78, 80-84, 86-87 are rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art APA in view of Open Software Foundation OSF (OSF/Motif Programmer's Guide, Chapter 11).

13. APA teaches establishing a first set of localization service [*services which provide functionality, input and presentation of data which is nationally or even culturally specific, text services, formatting service, presentation service, script/writing system*] storing with each localization service [*script/writing system/character encoding*] first set of attributes [*resource ID*] for identifying locales-related characteristics of the function of each localization service [*resource ID is assigned to script specific data*].

APA teaches a typical method of retrieving a first set of localization services is through a locale which specifies a set of localization services. APA does not teaches identifying characteristics the corresponding localization services without specifying a locale.

OSF teaches software localization [section 11.2 and 11.3] including two alternative localization methods, one using locales [second 11.3.1.2] and one without using locales [section 11.3.1.3]. in the non-locale method, localization services [font/character encoding, localizing compound strings] are retrieved through attributes [specifying explicit font list element tag] and is irrespective of nay locale [locale not set].

building structure [UIL files, each containing string and resource values for a specific language] which references each of a set of localization services, maintaining a reference [UIL

files] to one of in the structure and iterating through the structure in order to retrieve a subsequent one [XtResolvePathName() to find each file], scanning a data base [Motif registry] in order to create a reference to in order to retrieve [see OSF, section 11.3.3, page 11-24, second half of page, page 11-41 to 11-42].

OSF further teaches first set of localization services associated with first attribute [compound strings in UIL files], second set of localization service associated with second attribute [font list in resource files, associate a first local with the first and second attributes [mix localized UIL files with localized resource files], searching a set of localization services with a third attribute and reference to more than one locale taken from the set locales without directly specifying locale or reference to language of any locales [localized UIL file method – see page 11-30, first paragraph].

Since APA and OSF address software localization and service retrieval, at the time of the invention was made, it would have been obvious to one of ordinary skill in the art to have combine the teaching of APA and OSF to include the non-locale based service.

14. Claim 27 is rejected under 35 U.S.C. 103(a) as being unpatentable over admitted prior art APA in view of

15. As per claim 27, APA teaches establishing a set of localization services, said set of localization services specifying localization services required for the locales [paragraph 0004, 0005 – text services, sorting services, formatting services etc., a large number of these services are provided under a locale];

defining a first locale that specifies a set of attributes of a first set of the localization services [paragraph 0006 - resource ID for identifying locales-related characteristics of the function of each localization service where resource ID is assigned to script specific data].

APA does not teach associating with each of the localization services an attribute for identifying characteristic the corresponding localization services without specifying a locale.

Allowable Subject Matter

16. Claims 28, 39, 50, 61, 66, 73, 79, 85 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

Conclusion

Examiner's note:

Examiner has cited particular columns and line numbers in the references as applied to the claims above for the convenience of the applicant. Although the specified citations are representative of the teachings of the art and are applied to the specific limitations within the individual claim, other passages and figures may apply as well. It is respectfully requested from the applicant in preparing responses, to fully consider the references in entirety as potentially teaching all or part of the claimed invention, as well as the context of the passage as taught by the prior art or disclosed by the Examiner.

Prior Art not relied upon:

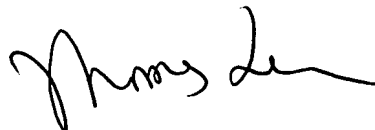
Please refer to the references listed in attached PTO-892, which, are not relied upon for claim rejection since these references are relevant to the claimed invention.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Vincent T. Tran whose telephone number is (571) 272-7210. The examiner can normally be reached on 7:30-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Thomas c. Lee can be reached on (571) 272-3667. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Vincent Tran



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